

Crete Public Library Policy Manual

Appendix A

A1. *Library Bill of Rights*

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
5. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
6. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Approved by the Intellectual Freedom Committee, January 22, 1980
Adopted by the ALA Council, January 23, 1980.

A2. *The Freedom to Read*

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures towards conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend.

We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free men will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those which are unorthodox or unpopular with the majority.
2. Publishers, librarians, and booksellers do not need to endorse every idea or presentation contained in the books they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what books should be published or circulated.

A2. The Freedom to Read Continued

3. It is contrary to the public interest for publishers or librarians to determine the acceptability of a book on the basis of the personal history or political affiliations of the author.
4. There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.
5. It is not in the public interest to force a reader to accept with any book the prejudgment of a label characterizing the book or author as subversive or dangerous.
6. It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large.
7. It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, bookmen can demonstrate that the answer to a bad book is a good one, the answer to a bad idea is a good one.

This is an abbreviated form of a statement originally issued in May of 1953
by the Westchester Conference of the American Library Association
and the American Book Publishers Council,
which in 1970 consolidated with the American Publishers Institute
to become the Association of American Publishers.

The complete text may be found in the Nebraska Library Association Handbook on Intellectual Freedom.

A3. Freedom to View Statement

- A. The FREEDOM TO VIEW, along with the freedom to speak, to hear, and to read, is protected by the First Amendment to the Constitution of The United States. In a free society, there is no place for censorship of any medium of expression. Therefore these principles are affirmed:
1. To provide the broadest access to film, video, and other audiovisual materials because they are a means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantees of freedom of expression.
 2. To protect the confidentiality of all individuals and institutions using film, video, and other audiovisual materials.
 3. To provide film, video, and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.
 4. To provide a diversity of viewpoints without the constraint of labeling or prejudging film, video, or other audiovisual materials on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.
 5. To contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

This statement was originally drafted by the Freedom to View Committee of the American Film and Video Association (formerly the Educational Film Library Association) and was adopted by the AFVA Board of Directors in February 1979.

A4. Code of Ethics of the American Library Association

- A. As members of the American Library Association, we recognize the importance of codifying and making known to the profession and to the general public the ethical principles that guide the work of librarians, other professionals providing information services, library trustees and library staffs.
- B. Ethical dilemmas occur when values are in conflict. The American Library Association Code of Ethics states the values to which we are committed, and embodies the ethical responsibilities of the profession in this changing information environment.
- C. We significantly influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry, we are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.
 - 1. We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all request.
 - 2. We uphold the principles of intellectual freedom and resist all efforts to censor library resources.
 - 3. We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired, or transmitted.
 - 4. We recognize and respect intellectual property rights.
 - 5. We treat co-workers and other colleagues with respect, fairness, and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.
 - 6. We do not advance private interests at the expense of library users, colleagues, or our employing institutions.
 - 7. We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.
 - 8. We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession.

Adopted by the ALA Council

June 28, 1995

Endorsed by the ALA Council January 10, 1990

A5. Confidentiality and Coping with Law Enforcement Inquires

A. Guidelines for the Library Administrator

1. Visits to libraries by law enforcement agents, including FBI, state, county and municipal police, have reached a high level of public awareness and concern, particularly as a result of revelations about the FBI Library Awareness Program. Prompted by inquiries about how to respond to visits by law enforcement officials, the ALA Intellectual Freedom Committee developed the following guidelines. These guidelines should be used with ALA's Policy on Confidentiality of Library Records (attached) and Statement on Professional Ethics (attached) to assist libraries and library employees in dealing with law enforcement inquiries.

B. Fundamental Principles

1. Librarians' professional ethics require that personally identifiable information about library users be kept confidential. This principle is reflected in Article III of the Code of Ethics which ALA adopted in 1981. Article III states: "Librarians must protect each user's right to privacy with respect to information sought or received, and materials consulted, borrowed or acquired." This includes borrower registration information.
2. All state library associations have adopted the "Statement on Professional Ethics," which includes the
3. Confidential records should not be made available to any agency of state, federal or local government or any other person (outside the minimum necessary access by library staff), unless a court order requiring disclosure has been entered by a court of competent jurisdiction, after a showing of good cause by the person or agency requesting the records.

C. GENERAL GUIDELINES

1. Confidentiality of library records is a basic principle of librarianship. As a matter of policy or procedure, the library administrator should insure that:
2. The library staff and governing board are familiar with the ALA Policy on Confidentiality.
3. The library staff and governing board are familiar with the state's library confidentiality statute (or attorney general's opinion) if one exists.
4. The library adopts a policy on confidentiality.
5. The library consults legal counsel to make counsel aware of these guidelines.
6. The staff is familiar with the "specific guidelines" which follow.

D. SPECIFIC GUIDELINES

1. Library Procedures Affect Confidentiality

a. Law enforcement visits aside, be aware that library operating procedures have an impact on confidentiality. The following are recommendations to bring library procedures into compliance with ALA's Statement on Professional Ethics and Policy on Confidentiality, and internal library confidentiality policies Confidentiality statutes vary from state to state, but these suggestions may also assist in compliance with the Compliance with FBI requests made without a warrant or court order is strictly voluntary. The library administrator must stress to agents that maintaining professional ethics and complying with state law are principles which are not "voluntarily" surrendered.

A5. Confidentiality and Coping with Law Enforcement Inquires

- b. It is illegal to lie to a federal law enforcement officer without a court order, however, the FBI has no independent authority to compel cooperation with an investigation or to require answers to questions (other than name and address of the person to whom the agent is speaking). The best thing to say to an agent who has asked for confidential information is, "I'm sorry, but my professional ethics (and state law where applicable) prohibit me from responding to your request."
- c. Notify the American Library Association's Office for Intellectual Freedom (312-944-6780 or 1-800-545-2433) 50 East Huron Street Chicago, IL 60611.

E. Law Enforcement Visits

1. Recommended steps to take when law enforcement agents visit:
 - a. If a library staff person is approached by a law enforcement agent requesting information on a library user, he/she should immediately ask for identification and refer the agent to the library administrator or responsible officer of the institution.
 - b. The library administrator should explain the library's policy or, if lacking an internal one, ALA's confidentiality policy, and the state confidentiality law where applicable. Most important, the library administrator should state that personally identifiable information about library users is not available under any circumstances, except when a proper court order has been presented.
 - c. In response to appeals to patriotism (e.g., "a good American wants to help us"), explain that as patriotic, good citizens, library administrators and library staff value First Amendment freedoms and the corresponding privacy rights of library users.

F. Procedure

1. The library administrator should:
 - a. Meet with the law enforcement agent and a library colleague in the library.
 - b. Be cordial, and explain that libraries support the work of law enforcement agencies and their ethical standards are not intended to be obstructionist; rather, affirm the importance of confidentiality of personally identifiable information in the context of First Amendment rights. Should an agent be persistent, state again that information is disclosed only subject to a proper court order, and that the library's governing body firmly supports this policy, and terminate the interview.
 - c. Report any threats or coercion to legal counsel. Repeated visits by law enforcement agents who have been informed that records will be released only upon receipt of a proper court order may constitute harassment or other grounds for legal action. Seek the advice of legal counsel on whether relief from such action should be requested from the appropriate court.
 - d. Immediately refer any subpoena received to the appropriate legal officer for review. (Sample subpoena attached.) If there is any defect in the subpoena, including its form, the manner in which it was served upon the library, the breadth of its request for documents, or insufficient evidence that a showing of good cause has been made to a court, legal counsel will advise on the proper manner to resist the subpoena.(1)
 - e. Repeat the entire process, should the party requesting the information be required to submit a new subpoena. Through legal counsel, insist that any defects in the subpoena be cured before records are released. Insist that the subpoena be limited strictly to require release of only specifically identified records or documents. Together with the library's legal counsel, review any information which may be produced in response to such a subpoena prior to the release of the information.
 - f. Construe the subpoena strictly and exclude any information which is arguably not covered by a proper subpoena. Ask the court, if disclosure is required, for an order that any information produced be kept strictly confidential and that it be used only for the limited purpose of the particular case at hand. Ask that access to it be restricted to the agents working on the case. Sometimes these terms may be agreed to informally by the party seeking the information, but even if such an agreement is reached, ALA strongly recommends that this agreement be entered as a formal order of the court. If there is such a formal order, anyone breaking the terms of the protective order might be subject to a sanction for contempt of court.

A5. Confidentiality and Coping with Law Enforcement Inquires Continued

- g. Keep in mind that a polite but firm response is the best way to deflect attempts at persuasion, coercion or misguided appeals to patriotism. When a law enforcement officer realizes that he/she simply will not succeed by such methods, most likely he/she will abandon the effort and take the appropriate course of action by proving to the proper court that he/she has good cause to receive access to such confidential information.
- h. Be prepared to communicate with local news media. Develop a public information statement which may be distributed to interested members of the public and law enforcement officers detailing the principles behind confidentiality. Such a statement should include an explanation of the chilling effect on First Amendment rights which public access to personally identifiable information about library users would cause. Emphasize that the First Amendment protections of free speech and a free press guarantee the corresponding freedom to read what is written, hear what is spoken, and view other forms of expression. The protection of privacy preserves these rights. An individual's reading habits cannot be equated with his or her character or beliefs. The First Amendment does not apply only to pre-approved or popular beliefs. The First Amendment guarantees the right to hold and espouse unpopular beliefs and ideas. The First Amendment protects dissent. The First Amendment protects against the imposition of a state or community-approved orthodoxy as well as an enforced conformity of expression and belief. The First Amendment protects all Americans' rights to read and view information and decide for themselves their points of view and opinions.

The freedom to read and to consider all types of information without fear of government or community reprisal or ostracism is crucial to the preservation of a free democratic society. The freedom to read fosters and encourages responsible citizenship and open debate in the marketplace of ideas. The library is a central resource where information and differing points of view are available. Library users must be free to use the library, its resources and services without government interference.

G. Endnotes

1. Usually, a motion for a protective order, or to suppress or quash the subpoena, is the vehicle used to resist. A showing of good cause is normally made in a hearing on such a motion, and the court hearing such a motion will decide whether good cause exists for the subpoena or if it is defective, and will then decide whether or not the library must comply. Be aware that some states require the unsuccessful party on a motion for a protective order or to quash a subpoena to pay the costs for responding to and hearing such a motion. Check with legal counsel on this issue as well.
2. Legal counsel should draft the particular protective language, and the library administrator it to be sure it adequately protects the information to be produced.

American Library Association 8/1/89

A6. ALA Patriot Act Resolution

RESOLUTION ON THE USA PATRIOT ACT AND RELATED MEASURES THAT INFRINGE ON THE RIGHTS OF LIBRARY USERS

WHEREAS, the American Library Association affirms the responsibility of the leaders of the United States to protect and preserve the freedoms that are the foundation of our democracy; and

WHEREAS, libraries are a critical force for promoting the free flow and unimpeded distribution of knowledge and information for individuals, institutions, and communities; and

WHEREAS, the American Library Association holds that suppression of ideas undermines a democratic society; and

A6. ALA Patriot Act Resolution Continued

WHEREAS, privacy is essential to the exercise of free speech, free thought, and free association; and, in a library, the subject of users' interests should not be examined or scrutinized by others; and

WHEREAS, certain provisions of the USA PATRIOT Act, the revised Attorney General Guidelines to the Federal Bureau of Investigation, and other related measures expand the authority of the federal government to investigate citizens and non-citizens, to engage in surveillance, and to threaten civil rights and liberties guaranteed under the United States Constitution and Bill of Rights; and

WHEREAS, the USA PATRIOT Act and other recently enacted laws, regulations, and guidelines increase the likelihood that the activities of library users, including their use of computers to browse the Web or access e-mail, may be under government surveillance without their knowledge or consent; now, therefore, be it

RESOLVED, that the American Library Association opposes any use of governmental power to suppress the free and open exchange of knowledge and information or to intimidate individuals exercising free inquiry; and, be it further

RESOLVED, that the American Library Association encourages all librarians, library administrators, library governing bodies, and library advocates to educate their users, staff, and communities about the process for compliance with the USA PATRIOT Act and other related measures and about the dangers to individual privacy and the confidentiality of library records resulting from those measures; and, be it further

RESOLVED, that the American Library Association urges librarians everywhere to defend and support user privacy and free and open access to knowledge and information; and, be it further

RESOLVED, that the American Library Association will work with other organizations, as appropriate, to protect the rights of inquiry and free expression; and, be it further

RESOLVED, that the American Library Association will take actions as appropriate to obtain and publicize information about the surveillance of libraries and library users by law enforcement agencies and to assess the impact on library users and their communities; and, be it further

RESOLVED, that the American Library Association urges all libraries to adopt and implement patron privacy and record retention policies that affirm that "the collection of personally identifiable information should only be a matter of routine or policy when necessary for the fulfillment of the mission of the library" (ALA Privacy: An Interpretation of the Library Bill of Rights); and, be it further

RESOLVED, that the American Library Association considers that sections of the USA PATRIOT ACT are a present danger to the constitutional rights and privacy rights of library users and urges the United States Congress to:

- 1) provide active oversight of the implementation of the USA PATRIOT Act and other related measures, and the revised Attorney General Guidelines to the Federal Bureau of Investigation;
- 2) hold hearings to determine the extent of the surveillance on library users and their communities; and 3)
- amend or change the sections of these laws and the guidelines that threaten or abridge the rights of inquiry and free expression; and, be it further

RESOLVED, that this resolution be forwarded to the President of the United States, to the Attorney General of the United States, to Members of both Houses of Congress, to the library community, and to others as appropriate.